

REMARKS

This paper responds to the Office Action mailed on June 14, 2005. Claims 1-18 stand rejected under 35 U.S.C. § 103(a). These rejections are respectfully traversed, and reconsideration is requested.

Examiner's Interview

Applicants' representative, Joseph M. Sauer, thanks Examiner Phan for the courtesies extended during the telephone interview on July 20, 2005. During the interview, the pending claims and cited Goldszmidt (U.S. 6,195,680) and Kenner (U.S. 6,421,726) references were discussed. The remarks contained herein further summarize the interview.

Claim Rejections

As a preliminary matter, Applicants again submit that each of the rejections made in the Office Action are improper for failing to make out a *prima facie* case of obviousness because they fail to demonstrate that the cited prior art references, either alone or in combination, teach or suggest all of the limitations of the claims. (See, MPEP 706.02(j)). In fact, the Office Action makes no attempt to show correspondence between the cited references and any claim limitation. Rather, the Office Action does nothing more than describe various elements and functions of the prior art references, with no explanation of the relevance to the claim language. The Applicants are thus forced to guess at the reasons for the rejections and the relevance of the recited structure to the limitations of the claims. For this reason alone, Applicants submit that the rejections under 35 U.S.C. § 103(a) are improper and must be withdrawn. Nonetheless, Applicants have attempted to respond to each of the rejections, despite their deficiencies.

Claims 10-12

Claim 10-12 stand rejected under 35 USC § 103. Specifically, claim 10 stands rejected under 35 USC § 103(a) as being unpatentable over Biggs et al (US Patent No. 5,625,407) and

Bhola et al. (US Patent No. 6,321,252) in view of Goldszmidt, and claims 11-12 stand rejected under 35 USC § 103(a) as being unpatentable over Biggs in view of Goldszmidt and further in view of Kenner. Applicants submit that the rejection of claim 10-12 is improper and must be withdrawn.

The Office Action concludes that method claim 10 corresponds to apparatus claims 1 and 2, and thus summarily rejects this claim for the same reasons as stated for claims 1 and 2. In the July 20 telephone interview, Examiner Phan acknowledged that this conclusion was a patent office mistake. Claim 11 and 12 depend from claim 10.

As explained in Applicants' response to the previous office action, independent claim 10 recites a method for distributing an audio/visual processor to a client machine that includes the steps of "evaluating the performance of audio/visual processors over the network implementing the VC session" and "downloading the audio/visual processor to each participant of the VC session based on the audio/visual processor evaluation." As acknowledged by Examiner Phan, these claim limitations are not included in claims 1 or 2, nor are they addressed in either this office action or the previous office action. Applicants, therefore, respectfully request that the rejections of claims 10-12 be withdrawn, and that the claims be allowed.

Moreover, if new rejections of claims 10-12 are made in a subsequent office action, then Applicants submit that the subsequent office action may not be made final. The limitations of claim 10-12 have not been addressed in any office action. Therefore, any subsequent rejection of claims 10-12 will be a first action on the merits.

Claims 1-9

Claims 1-9 stand rejected under 35 USC § 103. Specifically, claims 1-2, 6 and 7 stand rejected under 35 USC § 103(a) as being unpatentable over Biggs and Bhola in view of Goldszmidt, and claims 3-5, 8 and 9 stand rejected under 35 USC § 103(a) as being unpatentable

over Biggs in view of Goldszmidt and further in view of Kenner. Applicants respectfully disagree.

In the office action, Goldszmidt is apparently cited to show a plurality of geographically-dispersed reflectors, as recited in claims 1 and 6.¹ (See, Office Action at page 6, describing a distributed network utilizing a plurality of reflectors which receive audio and video data). However, the office action fails to address other limitations of claims 1 and 6, including the recitation of a "plurality of reflectors each being configured to service one or more client machines based on a network proximity between the reflector and the client machine." In the July 20 telephone interview, Examiner Phan stated that this claim limitation is obvious in light of Figure 6 of the Goldszmidt reference. Applicants respectfully disagree.

The Goldszmidt reference addresses the problem of load balancing across multiple reflectors, it does not address the configuration of reflectors to service client machines based on a network proximity between the reflector and the client machine. (See, e.g., Goldszmidt, column 2, lines 49-51). As explained in Goldszmidt with reference to Figure 6, primary and secondary reflectors are assigned to a client "based on the desired source they request to receive and on the system load characteristics." (Goldszmidt, column 15, lines 4-6). Nothing in Goldszmidt, or any other of the cited references, suggests using the network proximity between the client machine and the reflector as a factor for configuring the reflector to service the client machine, as recited in claims 1 and 6. For at least this reason, Applicants submit that amended claims 1 and 6 are patentable over the cited references. In addition, claims 2-5 and 7-9 are each ultimately dependent on one of claims 1 or 6, and are therefore patentable for at least the same reasons as claims 1 and 6.

¹ Although the office action makes no mention of the actual claim language.

Claims 13-16

Claim 13-16 stand rejected under 35 USC § 103(a) as being unpatentable over Goldszmidt in view of Kenner. Specifically, the office action cites Kenner to show the claimed step of "generating a digital ticket on the list such that the ticket includes a reference to the time, date, and controller." However, in the July 20 telephone interview, Examiner Phan acknowledged that this claim limitation is not described in the Kenner reference. Conceding that the Kenner reference is irrelevant to claim 13, the Examiner instead argued that the claimed step of generating a digital ticket is rendered obvious by Figure 6 of the Goldszmidt reference.² Applicants respectfully disagree.

The Goldszmidt reference does not disclose or render obvious the generation of a "digital ticket...such that the ticket includes a reference to the time, date, and controller," as recited in claim 13. First, the Goldszmidt reference makes no mention of anything similar to this claimed method step. The description of Figure 6, referred to by the Examiner in the July 20 telephone interview, merely states that a manager component 640 assigns primary and secondary reflectors 610 to a client. (See, Goldszmidt, column 15, lines 1-8). There is nothing to indicate that this configuration process makes use of anything remotely similar to the claimed digital ticket.

Moreover, the Goldszmidt reference (or any other of the cited references) does not utilize a controller in the same sense as the present application, and therefore there would be no reason for Goldszmidt's system to generate a digital ticket that identifies a controller. The multi-point video conferencing system, as described in the present application, utilizes a hierarchical structure for controlling video conferencing sessions. A server controls the VC session at the highest level, and controllers, referred to as video accessing points (VAPs), manage the transmission of A/V signals between client machines through a plurality of reflectors. The

² This despite the conclusion in the office action that "Goldszmidt does not disclose expressly the step of generating a digital ticket for each of the participants includes [sic] a reference time, data [sic] and controller." (See, Office Action, page 11).

method of claim 13 may, for example, be performed by the server at the highest level of this control hierarchy. In the first two steps of the method, the time and date for the event and the list of participants are defined. Then, in the third step, a controller is assigned to host the event. Finally, a digital ticket is generated and distributed to each participant, which includes a reference to the time, date, and controller.

In contrast, the Goldszmidt reference does not have a hierarchical control structure. The manager component 640, as illustrated in Figure 6, directly controls the configuration of the reflectors 610. There are not intermediate controllers in Goldszmidt. Therefore, there is no need in Goldszmidt's system to identify a controller in a digital ticket for distribution to the participants, as recited in claim 13.

For at least these reasons, Applicants contend that independent claim 13 is patentably distinct from the cited prior art, including the Goldszmidt reference. Claims 14-16 each depend from claim 13, and are thus also patentable over the cited prior art

Claims 17-18

Finally, claims 17 and 18 stand rejected under 35 USC § 103(a) as being unpatentable over Goldszmidt in view of Kenner. However, the Office Action makes no attempt to address the specific language of the claims. With regard to independent claim 17, the Office Action does not identify any element in the cited references that "simultaneously displays each visual signal from each participant of the plurality of participants." Moreover, in the July 20 telephone interview, Examiner Phan was unable to identify any particular element or recitation from the cited Goldszmidt or Kenner references that disclose this claimed feature. Instead, the Examiner was left to conclude that this is commonly known in the field of video conferencing systems. Applicants respectfully disagree, and request that documentary evidence in support of such bald assertions of obviousness be provided in the next Office Action, in accordance with MPEP 2144.03(C).

Conclusion

For the foregoing reasons, Applicants respectfully submit that claims 1-18 are in condition for allowance. The Examiner is, therefore, respectfully requested to pass this case to issue.

Respectfully submitted,

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